IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 906 of 2005

WITH

CIVIL APPLICATION NO. 1152 of 2005

Sangeeta Ramchand .. Appellant

versus

Anil Lekhraj Khosla & ors. .. Respondents

...

Mr.R.M. Nakhwa with M.R. Dhameja for the appellant.

Mr.B.R. Zaveri for the respondents

CORAM : B.H. MARLAPALLE,J

DATED : 14th October 2005

P.C.:

1. This appeal arises from the order dated 11th July 2005 passed by the learned Judge of the City Civil Court. Notice of Motion no.643 of 2002 has been disposed of by the trial Court in terms of the

following order :

> "The defendant is hereby restrained from obstructing one car each of the plaintiffs (except plaintiff No.6) to enter in the suit premises (in the compound of the building i.e. Kartik Complex, City Survey Nos.631 and 632 Village Oshiwara, Bombay Suburban District) and to be parked in the suit premises during working hours which means 10.00 a.m.to 8.00 p.m.

2. The trial Court noted that the plaintiff nos.1, 2, 3, 4, 5 and 7 had paid substantial amounts of the total considerations and in fact plaintiff nos.4, 5 and 7 had made full payments whereas plaintiff no.1 had paid Rs.4,14,000/-, plaintiff no.2 paid Rs.5,02,000/- and plaintiff no.3 paid Rs.5,60,000/- to the defendant - developer. The premises were in occupation of the plaintiffs and the balance amount required to be paid by them was very meagre. So far as plaintiff nos.1, 2 and 3 were concerned, the relief granted by the trial Court is an

equitable relief and it does not direct the defendant to allot a parking lot to the plaintiffs.

3. There is no reason to interfere with the order passed by the trial Court and therefore, appeal fails. Appeal is hereby dismissed in limine. Civil Application does not survive.

B.H. MARLAPALLE, J